

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

<b>IN RE:</b>	*	<b>CASE NO. 00-00801(GAC)</b>
	*	
<b>WILFREDO DE JESUS RIVERA</b>	*	<b>CHAPTER 13</b>
<b>SONIA M HERNANDEZ MELENDEZ</b>	*	
	*	<b>ADV. PROC. NO. 04-00165</b>
<b>Debtors</b>	*	
	*	
*****	*	
	*	
<b>WILFREDO DE JESUS RIVERA</b>	*	
<b>SONIA M HERNANDEZ MELENDEZ</b>	*	
	*	
<b>Plaintiffs</b>	*	
	*	
<b>Vs.</b>	*	
	*	
<b>GE CAPITAL CORPORATION OF PR</b>	*	
	*	
<b>Defendant</b>	*	
	*	
	*	
*****	*	

**OPPOSITION TO REQUEST FOR RECONSIDERATION OF DECISION AND  
ORDER**

**TO THE HONORABLE COURT:**

**COME NOW**, the above-named plaintiffs through the undersigned attorney and very respectfully pray, allege, and request:

1. A Decision And Order in the instant adversary proceeding was entered on docket on November 20<sup>th</sup>, 2007. (Docket #61.)

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2. On December 6<sup>th</sup>, 2007 defendant party filed a “Request For Reconsideration Of Decision And Order And For Additional Findings Of Fact And Conclusions Of Law Pursuant To F.R.C.P. **52** and **59(e)**”.
3. That defendant’s request must be disallowed.

### **Grounds**

4. Bankruptcy Rule **7052** makes F.R.C.P. **52** applicable in adversary proceedings in bankruptcy.
5. In its pertinent part, F.R.C.P. **52** states:

#### **b) Amendment.**

On a party's motion filed *no later than 10 days after entry of judgment*, the court may amend its findings—or make additional findings—and may amend the judgment accordingly.

6. Bankruptcy Rule **9023** makes F.R.C.P. **59(e)** applicable in adversary proceedings in bankruptcy.
7. F.R.C.P. **59(e)** states:

#### **Motion To Alter or Amend a Judgment.**

Any motion to alter or amend a judgment shall be filed *no later than 10 days after entry* of the judgment.

8. That defendant’s motion, having been filed *sixteen days* after entry of judgement the same cannot be considered.
9. Bankruptcy Rule **8002** states that “The notice of appeal shall be filed with the clerk *within 10 days of the date of the entry of the judgment*, order, or decree appealed from.”
10. This 10-day period is jurisdictional. *In re Abdallah*, 778 F.2d 75 (1<sup>st</sup> Cir. 1985).
11. That more than ten days having transpired, this Court’s Decision And Order of November 20<sup>th</sup>, 2007 is final, unappealable, and cannot be reconsidered or altered.

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**RESPECTFULLY SUBMITTED.**

**I HEREBY CERTIFY** that a copy of this writ has been sent to attorney for defendant General Electric Capital Corporation of Puerto Rico, Mr. Wilfredo Segarra Miranda, Esq., PO Box 9023385, San Juan, PR 00902-3385 [segarralaw@prtc.net](mailto:segarralaw@prtc.net); Ms. Noemí Landrau Rivera, Landrau And Associates, PMB 660 497 Ave. E Pol, San Juan, PR 00926-5639 and to standing Chapter 13 Trustee, José Carrión, Esq. PO Box 9023884, San Juan, PR 00902 3884 [ecfmail@ch13-pr.com](mailto:ecfmail@ch13-pr.com).

In Bayamón, Puerto Rico, this 17<sup>th</sup> day of December, 2007.

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